UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
3624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 February 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2 and 4-42_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1,2 and 4-42_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Introduction

1.   This **NON-FINAL** office action is in response to communications received on February 6, 2009. Claims 1, 2, 5-10, 13, 14, 17, 19, 20, 22, 25, 30, 32, 33, 35, 36, and 38 have been amended. No new claims have been added. Claims 1-2 and 4-42 are currently pending.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 6, 2009 has been entered.

Response to Amendment

3.   **New grounds of rejection under 35 U.S.C. § 112, second paragraph**, have been necessitated by amendment.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   **Claims 1, 2, and 4-16 are rejected** under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

      Regarding claim 1, "the project" lacks antecedent basis. It should be changed to

"the project issue". For purposes of examination, Examiner has assumed that the

necessary corrections have been made.

Response to Arguments

6.   Applicant's arguments have been fully considered by the Examiner. In particular,

Applicant argues regarding independent claims 1, 17, and 30 that (1) neither Flam nor

Lofton teach or suggest a centralized server operable to transmit a graphical user

interface over a network to a client device. Additionally, Applicant argues that (2)

neither Flam nor Lofton teach or suggest wherein one or more users familiar with the

project are enabled to update and view a current status of the project issue using the

graphical user interface. Regarding all dependent claims, Applicant argues that (3) they

are allowable as per arguments (1) and (2). Furthermore, Applicant (4) traverses

Examiner's findings in the final office action dated October 6, 2008 that officially noted

facts are deemed admitted prior art.

      Regarding argument (1), Examiner respectfully disagrees. Fig. 8 of Flam shows

an embodiment of the invention in which a centralized server (803, computer) is operable

to transmit a graphical user interface (fig. 9-17) over a network (807, internet) to a client

device (808, local peripheral devices). This is further elaborated on in col. 4, lines 25-47.

Regarding argument (2), Examiner respectfully disagrees. Though Flam is primarily concerned with and teaches a system for creating administrative queries (col. 7, lines 39-52), which automatically monitor processes and perform activities based on detected conditions, Flam also teaches wherein one or more users familiar with the project are enabled to update and view a current status of the project issue using the graphical user interface (col. 6, lines 9-49, different users have different levels of access to data (e.g. status of project issues) through the user interface, col. 5, lines 35-43, customer complaint specialist investigates the complaint (e.g. check status), col. 7, lines 34-37, returns all the records, col. 9, PR Table 833, status).

Regarding argument (3), Examiner respectfully disagrees as per the response to arguments (1) and (2) above.

Regarding argument (4), Examiner respectfully disagrees. With regard to claim 2, Examiner continues to assert that a server being operable to communicate using a hypertext markup language was old and well-known at the time of the invention and is capable of instant and unquestionable demonstration of being well-known. As noted in the final office action dated October 6, 2008, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art (See MPEP § 2144.03). Stating in the earlier traversal that "specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action" fails to do so. Firstly, Examiner stated in the first office action that "the internet is primarily composed of HTML documents". Thus, Examiner's officially noticed fact was predicated on sound technical and scientific

reasoning in support of the conclusion of common knowledge. Secondly, Applicant has

failed to point out why the officially noticed fact is not considered to be common

knowledge or well-known in the art. Thus, Examiner's finding of official notice is upheld

and the officially noticed facts are deemed admitted prior art.

With regard to claims 15 and 16, Examiner respectfully notes that the language of

the office action was changed in the final office action to make clear that Examiner was

not taking official notice of facts. Rather, Examiner was merely informing Applicant of

how the claim was being interpreted, mainly that "for uploading a legacy spreadsheet

file" and "for uploading a legacy database file" was considered intended use language,

and so did not patentably distinguish the claimed invention from the prior art. Thus,

there is no official notice to be traversed.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1, 2, and 4-42 are rejected under 35 U.S.C. 103(a)** as being

unpatentable over Flam (US 7,266,764) in view of Lofton (US 2003/0154116 A1).

Regarding claim 1, Flam teaches:

An issue tracking system (col. 4, lines 19-21), comprising:

a centralized server (col. 4, lines 29-31, standard computer is acting as a server)

operable to transmit a graphical user interface (col. 6, lines 24-26) for tracking project

issues (col. 4, lines 19-21) over a network (col. 4, lines 29-30, Internet is a network) to a

client device, the graphical user interface being displayable on the client device without

installation of the graphical user interface on the client device (fig. 8, 9-17, col. 4, lines

25-47);

a database coupled to the centralized server (col. 4, lines 29-31) operable to

provide the graphical user interface to the centralized server (col. 6, lines 24-26), the

database being further operable to track at least one project issue related to a topic (col. 5,

lines 35-36, the complaint is a project issue, col. 9, PRs are project issues, col. 10,

Projects are projects, col. 11, Divisions are topics), to provide access through the

centralized server to a plurality of users responsible for resolving said at least one project

issue (col. 5, lines 36-43, customer complaint specialist and customer complaint

specialist's supervisor are plurality of users responsible for resolving the project issue),

the topic being a subject, available for selection by a user using the graphical user

interface, under which the at least one project issue is related, the project issue being

tracked using the issue tracking system, wherein one or more users familiar with the

project issue are enabled to update and view a current status of the project issue using the

graphical user interface (col. 6, lines 9-49, different users have different levels of access

to data (e.g. status of project issues) through the user interface, col. 5, lines 35-43,

customer complaint specialist investigates the complaint (e.g. check status), col. 7, lines

34-37, returns all the records, col. 9, PR Table 833, status);

wherein the centralized server is further operable to transmit a notification to a

responsible user for each occurrence of the following: a new project issue has been

created, a step toward resolution has been entered for at least one project issue, or said at

least one project issue has been closed (fig. 12, 14, Assigned To Notification, Start Date,

Closed On, col. 5, lines 43-45).

Flam does not teach to provide a storage option for a user to upload data formats.

Lofton teaches to provide a storage option for a user to upload data formats which

the user determines would be inefficient to manually enter using a format associated with

the graphical user interface (par. 112, lines 1-15, link data are attachments, which are

uploaded and in a different data format than the format associated with the graphical user

interface).

All the claimed elements were known in the prior art and one skilled in the art

could have combined the elements as claimed by known methods with no change in their

respective functions, as Lofton does not teach away from or contradict Flam, but rather,

teaches a function that was not addressed. Additionally, the combination would have

yielded predictable results to one of ordinary skill in the art at the time of the invention.

Thus, it would have been obvious to combine the teachings, motivated by the teaching

that Flam's invention already contains a storage option, the database.

Regarding claim 2, official notice is given that wherein the server is operable to

communicate using a hypertext markup language with the client device was a matter of

common knowledge to one skilled in the art at the time of applicant's invention. HTML

and its application to servers has been in the public domain since the early 90's.

It would have been obvious to combine the use of HTML with Flam's invention

motivated by the fact that Flam's invention teaches using the Internet as the network and

that the internet is primarily composed of HTML documents.

Regarding claim 4, Flam teaches wherein the centralized server is further operable to notify a responsible user via electronic mail (col. 5, lines 43-45).

Regarding claim 5, Flam teaches wherein the database has a table devoted to keeping track of at least one topic corresponding to said at least one project issue being tracked (col. 9, PRs are project issues, col. 10, Projects are projects, col. 11, Divisions are topics).

Regarding claim 6, Flam teaches wherein the database has a table devoted to keeping track of said at least one project issue associated with said at least one topic (col. 5, lines 18-25, col. 9, PR Table 833 is a table devoted to keeping track of an issue (record is an issue) associated with a topic (note the project_id)).

Regarding claim 7, Flam teaches wherein each of said at least one project issue comprises a description of the respective issue (col. 9, PR Table 833, all attributes are the description, particularly the name data field), a status associated with the respective issue (col. 9, PR Table 833, lines 50-52), and a sponsor associated with the respective issue (col. 9, PR Table 833, lines 56-58).

Regarding claim 8, Flam teaches wherein each of said at least one project issue comprises a priority rating associated with the respective issue (col. 9, PR Table 833, col. 10, lines 13-15).

Regarding claim 9, Flam teaches wherein the database has a table devoted to keeping track of at least one step associated with said at least one project issue (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps).

Regarding claim 10, Flam teaches wherein each of said at least one step associated with said at least one project issue comprises a description of a step related to

the resolution of the respective issue (col. 12, PR_activity Table 839, col. 12, lines 49-50).

Regarding claim 11, Flam teaches wherein the database also maintains a list of persons responsible for a respective topic (col. 9, lines 56-60, col. 35, Project_member Table).

Regarding claim 12, Flam teaches a network operable to transmit information stored in the database to a plurality of users (col. 4, lines 29-31).

Regarding claim 13, Flam teaches a personal computer coupled to the network and having a browser operable to view the information received from the database via the network (col. 4, lines 29-31).

Regarding claim 14, Flam teaches wherein the database is further operable to store project issues that have been closed by a responsible user using the graphical user interface, and transmit information about a closed project issue upon receiving a request for the information (col. 9, PR Table 833, lines 52-53, 63-64, col. 7, lines 34-37).

Regarding claim 15, Flam does not teach wherein the storage option is used for uploading a legacy spreadsheet file.

Lofton teaches wherein the storage option is used for uploading a file (par. 112, lines 1-15).

Examiner respectfully notes that "for uploading a legacy spreadsheet file" is considered intended use language, and will not patentably distinguish the claimed invention from the prior art.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their

respective functions, as Lofton does not teach away from or contradict Flam, but rather,

teaches a function that was not addressed. Additionally, the combination would have

yielded predictable results to one of ordinary skill in the art at the time of the invention.

Thus, it would have been obvious to combine the teachings, motivated by the teaching

that Flam's invention already contains a storage option, the database.

Regarding claim 16, Flam does not teach wherein the storage option is used for

uploading a legacy database file.

Lofton teaches wherein the storage option is used for uploading a file (par. 112,

lines 1-15).

Examiner respectfully notes that "for uploading a legacy database file" is

considered intended use language, and will not patentably distinguish the claimed

invention from the prior art.

All the claimed elements were known in the prior art and one skilled in the art

could have combined the elements as claimed by known methods with no change in their

respective functions, as Lofton does not teach away from or contradict Flam, but rather,

teaches a function that was not addressed. Additionally, the combination would have

yielded predictable results to one of ordinary skill in the art at the time of the invention.

Thus, it would have been obvious to combine the teachings, motivated by the teaching

that Flam's invention already contains a storage option, the database.

Regarding claim 17, Flam teaches:

A method of tracking project issues (col. 4, lines 19-21), comprising the steps of:

storing a project in a standardized format on a centralized database (col. 4, lines

25-29, col. 10, Project Table 831);

transmitting a graphical user interface for tracking project issues over a network

(col. 4, lines 19-21, 29-31, col. 6, lines 24-26) to a client device, the graphical user

interface being displayable on the client device without installation of the graphical user

interface on the client device (fig. 8, 9-17, col. 4, lines 25-47);

adding an issue associated with the project to the centralized database (col. 7,

lines 24-26, records are issues, col. 9, PR Table 833) using the graphical user interface,

wherein one or more users familiar with the project are enabled to update and view a

current status of the issue using the graphical user interface (col. 6, lines 9-49, different

users have different levels of access to data (e.g. status of project issues) through the user

interface, col. 5, lines 35-43, customer complaint specialist investigates the complaint

(e.g. check status), col. 7, lines 34-37, returns all the records, col. 9, PR Table 833,

status);

enabling users to add at least one step taken to resolve the issue to the centralized

database (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps); and

transmitting a notification to a responsible user associated with the project for

each occurrence of the following: a new issue has been created for the project, a step

toward resolution has been entered for the issue, or the issue has been closed (fig. 12, 14,

Assigned To Notification, Start Date, Closed On, col. 5, lines 43-45).

Flam does not teach to providing an option to a user to upload a data file using the

graphical user interface.

Lofton teaches providing an option to a user to upload a data file using the

graphical user interface (par. 112, lines 1-15, link data are attachments, which are

uploaded and in a different data format than the format associated with the graphical user interface).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Flam, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching that Flam's invention already contains a storage option, the database.

Regarding claim 18, Flam teaches closing the issue upon resolution (col. 9, lines 53-54).

Regarding claim 19, Flam teaches wherein the issue is closed by a system administrator associated with the database using the graphical user interface (col. 6, lines 16-23).

Regarding claim 20, Flam teaches adding an issue description to the centralized database using the graphical user interface (col. 9, PR Table 833, all attributes are the description, particularly the name data field).

Regarding claim 21, Flam teaches wherein the issue description includes a status (col. 9, PR Table 833, lines 50-52), a priority rating (col. 9, PR Table 833, col. 10, lines 13-15), and a sponsor (col. 9, PR Table 833, lines 56-58).

Regarding claim 22, Flam teaches adding a step description to the centralized database using the graphical user interface (col. 5, lines 18-25, col. 12, PR_activity Table 839, activities are steps, col. 12, PR_activity Table 839, col. 12, lines 49-50).

Regarding claim 23, Flam teaches:

receiving a request from a user for the issue and said at least one step; and

providing the issue and said at least one step to the user (col. 7, lines 34-37,

PR_activity Table 839 works the same way, by querying the pr_id).

Regarding claim 24, Flam teaches wherein the issue and said at least one step are

provided using hypertext transfer protocol via the network (col. 4, lines 34-40).

Regarding claim 25, Flam teaches:

receiving a request from the user for all issues associated with the project; and

providing said all issues associated with the project to the user via the graphical

user interface (col. 7, lines 34-37).

Regarding claim 26, Flam teaches wherein all said issues associated with said

project are provided in a user sortable format (col. 7, lines 34-37) based on an issue

number associated with each issue (col. 9, PR Table 833, lines 41-43), a status associated

with each issue (col. 9, PR Table 833, lines 50-52), a priority rating associated with each

issue (col. 9, PR Table 833, col. 10, lines 13-15), a classification associated with each

issue (col. 9, PR Table 833, col. 10, lines 6-9, category type is a classification, lines 15-

17, severity type is a classification), and a sponsor associated with each issue (col. 9, PR

Table 833, lines 56-58).

Regarding claim 27, Flam teaches:

receiving a request from a user to add a step to the issue (col. 12, PR_activity

Table 839, lines 52-53, col. 6, lines 26-33);

adding the step to the centralized database (col. 5, lines 18-25, col. 12,

PR_activity Table 839, activities are steps); and

linking the step to the issue in the centralized database (col. 12, PR_activity Table 839, note the pr_id).

Regarding claim 28, Flam teaches storing a list comprising a plurality of responsible users for the project (col. 9, lines 56-60, col. 35, Project_member Table).

Regarding claim 29, Flam teaches notifying the plurality of responsible users when the issue has been updated or closed (col. 9, PR Table 833, date_updated, lines 52-53, 60-65, col. 7, lines 34-37, col. 5, lines 35-56 provides an example in which an email notifies a supervisor when the issue is updated).

Regarding claims 30-42, they are rejected using the same art and rationale used above for rejecting claims 17-29. This is because claims 30-42 claim a computer readable memory performing the method of claims 17-29.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 13, 2009

/J. C./
Examiner, Art Unit 3624

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624